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Federal Aviation Administration
Office Of The Chief Counsel
Attn: Rule Docket (AGC-200)
Docket Number FAA 1998-4758 -46
800 Independence Avenue, S. W.
Washington, D.C. 20541
U.S.A.

Dear Sir,

We refer to the letter addressed to us on November 23rd, 1998 by Mrs. C. Bryan, Principal Security Inspector of the FAA **Office** in Brussels, Belgium, with which we were advised of the Notice of Proposed Rule Making relating to Docket FAA 1998-4758 that would require foreign air carriers operating to and from airports in the United States to adhere to security measures "identical" to those required of U.S. carriers operating to and from the same airports.

As a preliminary remark, we wish to advise you that since we felt that the Proposed Rule Making could somehow be in contrast with the international principles established by the Chicago Convention (right of the State to exercise exclusive sovereignty over its territory and its airspace) and also with the general approach to aviation security (State responsibility established by ICAO Annex 17 to ensure the implementation of measures aimed at protecting all flights departing **from** its territory), we deemed it appropriate to bring the issue to the attention of the Italian Civil Aviation Authorities, for their consideration.

We appreciate, however, the opportunity to make the following further comments on the above NRPM:

- It is commonly acknowledged within aviation security that any threat that may exist against one country or any carrier that represents such country, cannot be automatically considered as being "identical" to that of a carrier representing another country only because its flights are serving airports located in the country deemed to be at higher risk;



- The implementation of measures as those required by the NRPM would conflict with programs already established in Europe by ECAC and would introduce unexpected requirements that would have a significant negative impact on operational and economical aspects for airlines and for airports involved.

In broad details, we feel that the enforcement of such additional measures would cause:

- the loss of many departure slots (generating therefore difficulties to all airlines serving such airports);
- the increase of the minimum connecting time (adding more congestion to current airport terminal operations);
- the need for upgrading airport infrastructures;
- the need for deployment of additional equipment.

The associated economical effects would therefore be very high due to:

- loss of many passengers;
- delayed utilization of aircrafts;
- extra-costs for lost connections, for implementation of measures, for upgrading of airport infrastructure and security system etc.

In light of all the comments submitted above, we take this opportunity to express our hope that this issue will be made a matter for reconsideration by the FAA in order to identify solutions that will not generate duplication of efforts and will unnecessarily overburden carriers.

We thank you for your kind attention.

Yours sincerely,


(Fausto Cereti)